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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,640	08/03/2001	Steve Mead	12440-02/ejg	6057

24035 7590 06/06/2002

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 06/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/920,640

Applicant(s)
STEVE MEAD

Examiner
YVONNE M. HORTON

Art Unit
3635



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 3, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

Art Unit: 3635

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 10 recites the limitation "said first and second panels" in line 2. There is insufficient antecedent basis for this limitation in the claim. Only inner and outer panels have been introduced thus far.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent

#4,625,491 to GIBSON. GIBSON discloses a floor panel (10) including a base (13) and inner (I)

Art Unit: 3635

and outer (O) panels adhesively bonded thereto, column 3, line 19, see the marked-up attachment. The outer panel (O) further includes a border as at (33). Regarding claims 2 and 3, the outer panel (O) includes a decorative surface (23 and 26-29); and the inner panel (I) includes another decorative surface (31,32). In reference to claims 4 and 5, the inner (I) and outer (O) panels both are formed as high-pressure laminates, column 3, line 38. Regarding claim 6, both the inner and outer panels (I,O) include high wear films, column 3, line 36.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent

#4,625,491 to GIBSON. GIBSON discloses an elevated floor (10) including a base (13) and

Art Unit: 3635

inner (I) and outer (O) panels adhesively bonded thereto, column 3, line 19, see the marked-up attachment. The outer panel (O) further includes a border as at (33). GIBSON discloses the basic claimed elevated floor except for the panels are square as opposed to being rectangular. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the shape of the panels would be an obvious matter of design choice. Further, rectangles and squares are generally the same except for the length, thus the selection of either would have been within the general skill of a worker in the art. The shape of the panels basically determines the overall external appearance. In reference to claim 8, the inner panel (I) includes a dark surface (31,32) and the outer panel (O) includes a decorative surface (23, 26-29). Regarding claim 9, the outer panel (O) further includes a clear resin film (22). In reference to claim 10, a clear resin film is provided between both the inner (I) and outer (O) panels, column 3, lines 33-35. Regarding claim 11, a plurality of the panels (10) are arranged in abutting edge-to-edge relationship to form an elevated floor, see Figure 1. In reference to claim 12, the method of forming the base panel is not germane to the issue of patentability of the device itself. Thus, the fact that the base panel is stamped to be formed has not been given patentable weight. Further, the base panel 913) of GIBSON is made from sheet steel, column 2, lines 47-48.


9. Claims 13,14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #4,625,491 to GIBSON. GIBSON discloses the method of producing a floor panel including the steps of cutting an outer panel, applying adhesive thereto, cutting an inner panel so as to form a border, applying adhesive thereto, securing the inner and outer panels together and to

Art Unit: 3635

the base. GIBSON discloses the basic method except for explicitly stating the use of a jig.

Although GIBSON does not disclose the use of a jig, jigs are old and very well known in the art for their use in flooring systems. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the inner and outer panels are held in a jig prior to and after being secured together; and that the assembly of the inner and outer panels to the base panels are performed by positioning in a jig. In reference to claim 14, the scarfing procedure used by GIBSON enable the size of the border to be adjusted. Regarding claim 20, the panels are pressed together. Regarding claims 15-18, although GIBSON does not explicitly detail the use of a jig, jigs are well known to include suction in order to stabilize the item being retained therein and rams for removal of the item. In reference to claim 19, GIBSON includes a resin based adhesive, column 3, lines 33-35.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (703) 308-1909.



Yvonne M. Horton

Primary Examiner

Art Unit 3635

June 2, 2002

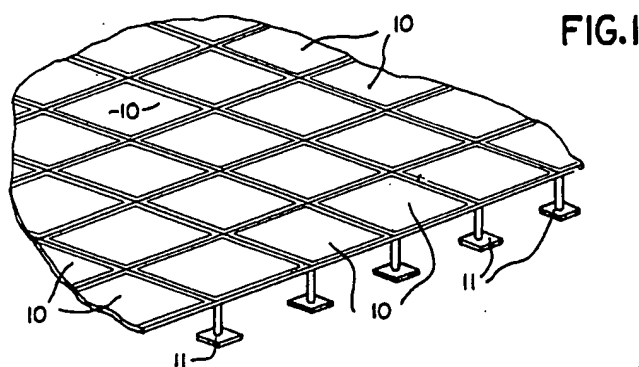


FIG. 1

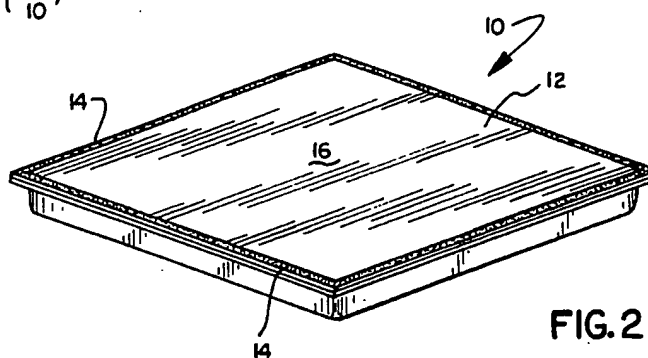


FIG. 2

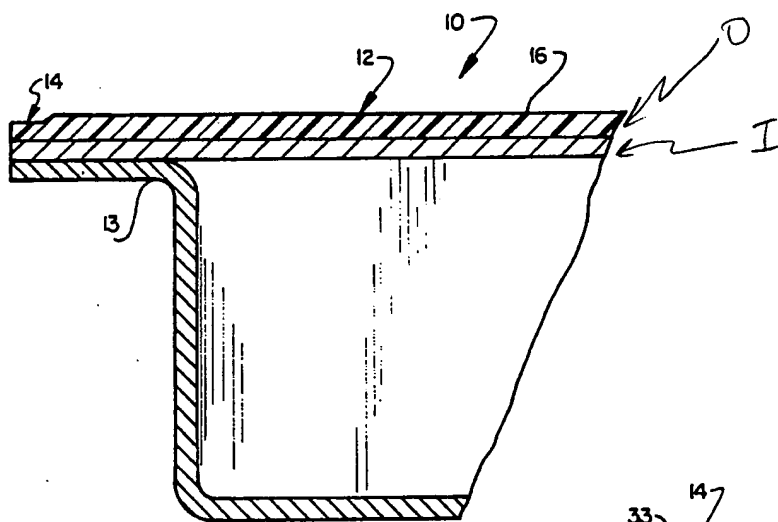


FIG. 3

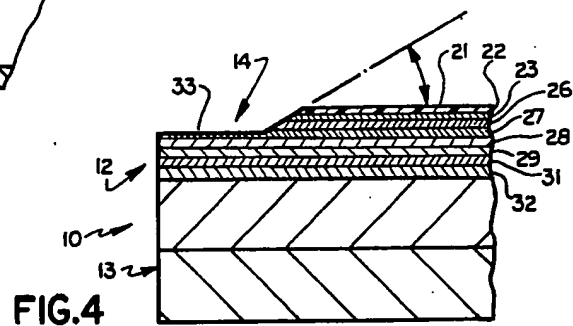


FIG. 4